

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION

CIVIL NO.: 5:18cv125

UNITED STATES OF AMERICA

v.

APPROXIMATELY \$3,554 IN FUNDS  
SEIZED FROM DONOVON TYRELL LORTZ

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**DEFAULT JUDGMENT**

THIS MATTER is before the Court on the United States of America's Motion for Default Judgment in this case. For good cause shown, the Court will GRANT the Motion and enter this Default Judgment. The Court FINDS AS FOLLOWS:

**BACKGROUND**

On August 8, 2018, the Government filed a verified Complaint for Forfeiture *in rem* [Doc. 1] of the above-captioned currency (hereafter "Currency"). The Government contended that the Currency was used to transport or to facilitate the transportation, sale, receipt, possession or concealment of controlled substances in violation of 21 U.S.C. § 841 and was therefore subject to forfeiture. Thereafter, the Clerk issued a Warrant of Arrest *In Rem* [Doc. 2] for the Currency.

Then, the Government provided notice by publication as to all persons in the world with potential claims to the Currency. Specifically, from August 9, 2018 through September 7, 2018, the Government published notice via [www.forfeiture.gov](http://www.forfeiture.gov) as shown on the Submission of Declaration of Publication dated and filed on September 10, 2018 [Doc. 5]. Based on that notice, the deadline for filing claims was October 8, 2018. The Government also submitted direct notice to, as shown on the Notice of Service (Direct Notice) filed on September 10, 2018 [Doc. 4] to Donovan T. Lortz.

Based on the foregoing, process has been fully issued and returned according to law. Further, no claims have been filed within the time period provided by law. Therefore, on November 6, 2018, on Motion [Doc. 7] of the Government, the Clerk of Court entered a default pursuant to Fed. R. Civ. P. 55(a) [Doc. 8]. Thus, default judgment is now appropriate.

### **LEGAL CONCLUSIONS**

Fed. R. Civ. P. 55(b) provides for entry of the requested Default Judgment by the Court. Here, the United States has provided notice of forfeiture in accordance with Federal Rules of Civil Procedure, Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Rule G. Further, the time period for filing claims has expired, and no claims have been filed. Finally, the Clerk has entered default. Therefore, the requested Default Judgment is appropriated.

**BASED ON THE FOREGOING FINDINGS, THE COURT CONCLUDES** that the Government is entitled to a Judgment of Forfeiture by Default against the Defendant Property.

**THEREFORE IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

1. The Government's Motion for Default Judgment is hereby GRANTED.
2. Any and all right, title, and interest of all persons in the world in or to the Defendant Property is hereby forfeited to the United States, and no other right, title, or interest shall exist therein:

**Approximately \$3,554 in Funds Seized from Donovan Tyrell Lortz**

Signed: November 9, 2018



Frank D. Whitney  
Chief United States District Judge

